IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16429 of 2004

Between:
Bolli Gerata Rao, S/o. Tammayya, Occ: Cultivation,

R/o. Jainvarigudem, Buttaigudem Mandal, West Godavari District.

..... PETITIONERS

AND

1. The Special Deputy Collector (Tribal Welfare) R.K. Puram, West Godavari District.
2. The Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.
3. The Mandal Revenue Inspector-I, Buttaigudem, West Godavari District.
4. The Secretary of Jainvarigudem Gram Panchayat, West Godavari District
5. The Mandal Deputy Surveyor, Buttaigudem.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction in the nature of writ of certiorary calling the panchanama of respondent Nos.3 to 5 dated 09.01.2004 with connected records and to quash the panchanama dated 09.01.2004.

Counsel for the Petitioners : MR. NARAM NAGESWARA RAO

Counsel for the Respondent Nos.1 to 3 and 5: G.P. for Revenue

Counsel for the Respondent Nos.4: Mr. D. Srinivas, SC for Gram Panchayat

The Court made the following ORDER:

Against an ejectment order dated 04.06.2003 passed by the first respondent ejecting the petitioner from the lands in question, the petitioner filed an appeal before the Agent to the Government (District Collector) West Godavari, Eluru, on 08.03.2004, along with an application seeking to stay the ejectment order. Thereafter, the petitioner filed W.P.No.5156 of 2004, which was disposed of on 19.03.2004 directing the respondents to consider the stay petition within four weeks from the date of receipt of that order. While so, the present writ petition is filed seeking to quash the Panchanama dated 09.01.2004. Pursuant to the ejectment order, possession of the land in question was handed over to the fourth respondent-Secretary, Gram Panchayat, Jainavarigudem.

The case of the petitioner is that he is still in possession of the land in question and hence, the said Panchanama dated 09-01-2004 is liable to be quashed.

The learned counsel for the petitioner submits that even before the service of the ejectment order the said Panchanama was conducted and it is only a paper Panchanama. In view of the same, the same is liable to be set aside.

When the ejectment order is the subject-matter of appeal pending before the Agent to the Government and earlier writ petition was disposed of directing the respondents to consider the stay application pending disposal of the appeal and pass appropriate orders, it is open for the petitioner to approach appellate authority and that if the said Panchanama is only a paper Panchanama, it is for the appellate authority to pass appropriate orders.

Under the facts and circumstances of the case, the present writ petition filed questioning the Panchanama, cannot be entertained and the same is liable to be dismissed.

The writ petition is dismissed with a liberty to the petitioner to move the appellate authority for appropriate relief.

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A.Gopal Reddy

Date: 1st September 2004

Va/ghn

To

1. The Special Deputy Collector (Tribal Welfare) R.K. Puram, West Godavari District.
2. The Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District.
3. The Mandal Revenue Inspector-I, Buttaigudem, West Godavari District.
4. The Secretary of Jainvarigudem Gram Panchayat, West Godavari District
5. The Mandal Deputy Surveyor, Buttaigudem.
6. Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)
7. Two CD Copies